



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

SFUND RECORDS CTR  
2053929

September 21, 2004

Zane K. Bolen, Area Manager Superfund  
Exxon Mobil Corporation  
601 Jefferson Street Room 1220  
Houston, TX 77002

Re: Omega Superfund Site  
*De Minimis* Volume Review Process Results for  
Exxon Mobil Corporation

Dear Zane K. Bolen:

In October 2003, a *De Minimis* Notice Letter was issued by the United States Environmental Protection Agency ("EPA") that provided notice of your potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601, *et seq.*, at the Omega Chemical Superfund Site (the "Site"). Subsequent to the *De Minimis* Notice Letter, EPA issued the Omega Chemical Superfund Site Settlement Offer Letter (the "Offer Letter") that provided manifest information and the volume attributed to you. EPA also requested that you notify the Agency in writing if you concluded that the volume attributed to you was incorrect. EPA has received and completed the review of your written challenge. Therefore, the purpose of this letter is to give your company or organization, identified above, the results of their participation in this process to correct or adjust the volume of wastes attributed to it in EPA's volumetric database.

EPA reviewed the volume challenges submitted for consideration. The enclosed Challenge Summary records the decision made on each of the challenges submitted by your company or organization along with a brief description of the challenge and a brief explanation of the decision. The enclosed Manifest Summary lists all the manifests for your company or organization. Further, the Manifest Summary provides the volume for your company or organization after changes made as a result of this volume adjustment process. The enclosed Settlement Cost Summary provides your settlement payment amount as a result of the volume review, **and includes the 5% discount for timely submission of your signature page.** EPA will notice you when payment is due. Please do NOT send any payment at this time.

Your company or organization has three options to consider.

1. **Settle with EPA** - No response is required at this time if your company or organization wants to accept EPA's findings presented in this letter and settle its potential liability at the Site (except submission of revised Signature Page postmarked no later than September 24, 2004, if desired<sup>1,2</sup>). Because the payment due date is not known at this time, EPA will provide notice to you when payment is due. Please note, if this challenge resulted in your volume falling below 3.0 tons, you are currently considered a *de micromis* party at the Site. This means that no payment is due and your company or organization is no longer a party to this Omega *de minimis*

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<sup>1</sup> See August 11, 2004 Revised *De Minimis* Settlement Offer.

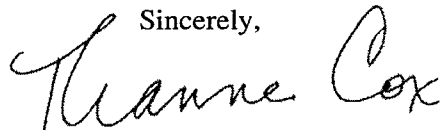
<sup>2</sup> See September 7, 2004 Revised Settlement Offer for *De Minimis* Parties

settlement. As a *de micromis* party, EPA and all other potentially responsible parties ("PRPs") will not pursue you as a PRP at the Site.

2. **Withdraw Signature Page** - Enclosed you will find a Signature Page Withdrawal Form if EPA rejected all or part of your volume review challenge. If your company or organization wants to withdraw from the settlement, please submit an executed Signature Page Withdrawal Form to the address shown on the form and postmarked no later than 14 business days after receipt of this letter. Upon receipt of this form, EPA will return the original Signature Page to you.
3. **Submit Additional Information** - If your company or organization disagrees with EPA's findings presented in this letter and wishes to submit new and/or additional volume review information, please submit the enclosed Application Form for Supplemental Volume Review to the address shown on the form postmarked no later than 30 business days after receipt of this letter. You may contact Linda Ketellapper, EPA's Case Developer, at (415) 972-3104 to discuss EPA's finding specific to your existing challenge. If EPA denies your challenge submitted under this supplemental volume review, your company or organization will have 14 business days in which to withdraw the Signature Page after EPA notifies you of the results of this supplemental volume review.

We appreciate your participation in the volume review process for the Omega Site. If you have any questions regarding the volume review process or the content of this letter, please call me at (415) 972-3908 or Linda Ketellapper at (415) 972-3104.

Sincerely,



Thanne Cox  
Assistant Regional Counsel

Enclosures:

1. Challenge Summary
2. Manifest Summary (if applicable)
3. Settlement Cost Summary
4. Signature Page Withdrawal Form (if applicable)
5. Application Form for Supplemental Volume Review (if applicable)

cc: Karl Fingerhood, DOJ  
Linda Ketellapper, EPA  
Keith F. Millhouse, OPOG  
John Tatum, OPOG  
Peter McGaw, OSVOG

### Challenge Summary

Liabe Group Name	Manifest #	Manifest Line #	Original Volume Tons	Revised Volume Tons	Decision	Challenge Description	Explanation of Decision
Exxon Mobil Corporation	87967596	1	0.29190	0.29190			
Exxon Mobil Corporation	88068713	1	0.20000	0.20000			
Exxon Mobil Corporation	88271841	1	0.90000	0.90000			
Exxon Mobil Corporation	88531028	1	0.68805	0.00000	Accept	Generator name is Century Auto Body; wastes listed are typical paint waste, not service station wastes. Exxon Mobil Corporation and predecessors did not operate auto paint and body shops. Century Auto Body remains in business at the address.	EPA agrees.
Exxon Mobil Corporation	88599196	1	2.29350	2.29350			
Exxon Mobil Corporation	88677511	1	0.12510	0.00000	Accept	Generator name is CPL Printing & Labe; flexo solvent is a type of print ink and not typical service station or petroleum company waste. Exxon Mobil Corporation and predecessors did not operate commercial printing companies.	EPA agrees.
Exxon Mobil Corporation	89635566	1	0.15000	0.15000			
Exxon Mobil Corporation	89662557	1	0.22935	0.22935			
Exxon Mobil Corporation	90658232	1	2.06415	2.06415			
<b>Total</b>			<b>6.94205</b>	<b>6.12890</b>			

generator_name	EXXON CHEMICAL CO.
lc_name:	Exxon Mobil Corporation
lc_calc_volume:	6.1289 tons
manifest_number	manifest_quantity_ton
87967596	0.2919 tons
88068713	0.2 tons
88271841	0.9 tons
88599196	2.2935 tons
89635566	0.15 tons
89662557	0.22935 tons
90658232	2.06415 tons

**Settlement Cost Summary  
Exxon Mobil Corporation  
for Exxon Chemical Co.**

The payment required to join this De Minimis settlement is listed below<sup>1</sup>. **Do not make a payment now; please wait until you receive a letter with payment instructions.**

**OPTION A  
SETTLEMENT PAYMENT AMOUNT**

Exxon Mobil Corporation settlement payment including 5% discount is:

**\$73,549**

**OPTION B  
SETTLEMENT PAYMENT AMOUNT**

Exxon Mobil Corporation settlement payment including 5% discount is:

**\$56,349**

The current *de minimis* volume range is 3 tons to 9.99 tons. If EPA's review of your volume challenge results in the your volume falling below 3 tons, you are currently considered a *de micromis* party and no settlement is available and no payment is due.

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<sup>1</sup>Options A and B are explained in detail in the "Revision to Omega Chemical Superfund Site *De Minimis* Settlement Offer - Settlement Options" dated August 11, 2004, and in the U.S. EPA letter entitled "Revised Omega *De Minimis* Settlement Offer" dated August 11, 2004.

## Signature Page Withdrawal Form

Exxon Mobil Corporation  
for Exxon Chemical Co.

\_\_\_\_\_, by the  
[Company or Organization Name]  
duly authorized representative named, titled and signed below, hereby withdraws the Omega De  
Minimis Administrative Order on Consent Signature Page.

BY:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

TITLE:

FIRM  
NAME:

DATED:

Completed forms should be addressed to:

Linda Ketellapper  
Superfund Division  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street (SFD-7-B)  
San Francisco, CA 94105

**Omega Superfund Site  
De Minimis Signature Page Withdrawal Form**

## Application Form for Supplemental Volume Review

If your company or organization wishes to request a supplemental volume review, you must complete and submit this form along with any additional information being provided for EPA's review.

Company Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

### CERTIFICATION

I hereby certify, under threat of penalty for having made false statements to the United States Government, that the foregoing representations in this Application for Supplemental Volume Review are true and correct to the best of my information and belief.

Dated: \_\_\_\_\_, 2004

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Relationship to company  
or organization)

Completed forms and all documentation being submitted should be addressed to:

Linda Ketellapper  
Superfund Division  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street (SFD-7-B)  
San Francisco, CA 94105

**Omega Superfund Site**  
**De Minimis Application Form for Supplemental Volume Review**



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone: 901-369-3600

9/24/2004

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **843281859946**. Our records reflect the following information.

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**Delivery Information:**

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**Signed For By:** D.DORANTES

A black and white photograph of a signature, "D. Dorantes", written in cursive over a grid background.

**Delivery Location:** 800 BELL

**Delivery Date:** September 23, 2004

**Delivery Time:** 1241

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**Shipping Information:**

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**Tracking No:** 843281859946

**Ship Date:** September 21, 2004

**Recipient:**

ZANE BOLEN  
EXXON MOBIL CORP  
601 JEFFERSON ST ROOM 122  
HOUSTON, TX 77002  
US

**Shipper:**

OMEGA  
SAIC  
1404 FRANKLIN ST FL 6  
OAKLAND, CA 946123210  
US

**Shipment Reference Information:**

Thank you for choosing FedEx Express. We look forward to working with you in the future.

FedEx Worldwide Customer Service  
1-800-Go-FedEx®  
Reference No.: R2004092400154345283